

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Adjudication and Hearings



Application for a Subpoena

Basic Requirements

- The application will be reviewed and ruled upon by the presiding Administrative Law Judge. An application must include a completed original subpoena and a motion or other written request explaining: 1) the information sought; 2) its relevance to the case; 3) the reason a subpoena is needed to obtain it; and 4) when seeking anything other than a witness subpoena for trial, the steps that have been taken to obtain the desired information without a subpoena.
- If the application will be submitted by the Government, advance approval by a Government attorney is required.
- The application must be filed at least ten (10) calendar days in advance of the hearing date on which the witness or documents are needed, or at least fifteen (15) calendar days in advance of the proposed return date if pre-hearing discovery is being sought. Note that pre-hearing discovery is authorized only in unusually complex cases, but pre-trial exhibit and witness disclosure is routinely ordered in trial matters.
- If the presiding judge authorizes the subpoena, **a copy must be served on all opposing parties** at or before the time it is served on the subpoena's recipient. Documents or testimony procured without serving notice on adverse parties may not be admitted into evidence.

Background

An application for a subpoena is a serious matter. When permitted under applicable law, subpoenas may be used to legally compel persons (including members of the public who are not parties to a case) to appear and give testimony, produce documents and other tangible things for review, or to permit inspection of a specific location. A subpoena in a matter before the Office of Adjudication and Hearings is only valid if approved and signed by an Administrative Law Judge.

A party requesting a subpoena must adhere to OAH standard filing procedures (Form OAH-303, Case Management and Trial Procedures) and must clearly explain the information being sought, its relevance, the reason a subpoena is needed to obtain it, and the steps that have been taken to obtain the desired information and/or witness without a subpoena (other than a witness subpoena for trial). Applications submitted outside of the deadline for submission must include a statement detailing the unusual and unanticipated circumstances that require making the request in an abbreviated time period.

A Government attorney must review and approve all subpoena applications made on behalf of the District of Columbia Government. A Respondent or his/her authorized agent or attorney may request a subpoena. If authorized, each party is responsible for service of the subpoena on the recipient and all opposing parties. The OAH Docket Clerk will notify the requesting party when the presiding Administrative Law Judge has ruled on a pending subpoena application.

Subpoena forms are available by contacting the OAH Docket Clerk on 442-9094.